

Honorable Kymberly K. Evanson

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHENZHEN ROOT TECHNOLOGY CO., LTD.,
HONG KONG LUTE TECHNOLOGY CO.,
LIMITED, AND SHENZHEN CONGLIN E-
COMMERCE CO., LTD.,

Plaintiffs,

v.

CHIARO TECHNOLOGY Ltd.,
Defendant.

Case No. 2:23-cv-631

**JOINT STIPULATION TO DISMISS
SHENZHEN JINRUIXING
TECHNOLOGY CO., LTD.**

CHIARO TECHNOLOGY LTD.,
Counterclaim Plaintiff,

v.

SHENZHEN ROOT TECHNOLOGY CO., LTD.,
HONG KONG LUTE TECHNOLOGY CO.,
LIMITED, SHENZHEN CONGLIN E-
COMMERCE CO., LTD, SHENZHEN ROOT E-
COMMERCE CO., LTD., SHENZHEN TPH
TECHNOLOGY CO., LTD., SHENZHEN
JINRUIXING TECHNOLOGY CO., LTD.,
SHENZHEN LUTEJIACHENG NETWORK
TECHNOLOGY CO., LTD., and SHENZHEN
JINRUIHANG TECHNOLOGY CO., LTD.,

Counterclaim Defendants.

STIPULATION OF DISMISSAL

Pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii), Counterclaim Defendants

Shenzhen Root Technology Co., Ltd., Hong Kong Lute Technology Co., Limited, Shenzhen

STIPULATION AND [PROPOSED] ORDER OF DISMISSAL

CASE No. 2:23-CV-631

1 Conglin e-Commerce Co., Ltd., Shenzhen Lutejiacheng Network Technology Co., Ltd. and
2 Shenzhen Jinruihang Technology Co., Ltd. (collectively, “Counterclaim Defendants”) and
3 Counterclaim Plaintiff Chiaro Technology Ltd. (“Elvie” or “Counterclaim Plaintiff”) stipulate and
4 agree as follows:

5 WHEREAS Elvie filed its Counterclaims on August 14, 2023, naming Plaintiffs Shenzhen
6 Root Technology Co., Ltd., Hong Kong Lute Technology Co., Limited, and Shenzhen Conglin e-
7 Commerce Co., Ltd. (collectively, “Plaintiffs”) as well as five additional entities, Shenzhen
8 Lutejiacheng Network Technology Co., Ltd., Shenzhen Jinruihang Technology Co., Ltd.,
9 Shenzhen Root E-Commerce Co., Shenzhen TPH Technology Co., and Shenzhen Jinruixing
10 Technology Co., Ltd. as entities infringing Elvie’s Patents through the sale of several variations of
11 wearable breast pumps under the tradename “Momcozy” (the “Accused Products”).

12 WHEREAS counsel for Plaintiffs agreed to accept service for Shenzhen Lutejiacheng
13 Network Technology Co., Ltd. and Shenzhen Jinruihang Technology Co., Ltd.

14 WHEREAS Pan Silin’s declaration named the entity
15 “Shenzhenshijinruixingkejijouxiangongsi” (“Jinruixing”) as a subsidiary of Shenzhen Root
16 Technology Co., Ltd. (“Shenzhen Root”) that was involved in the sale of the Accused Products
17 through the third-party website, Amazon.com. *See* Dkt. #39 ¶ 10.

18 WHEREAS, upon investigation, Elvie determined through public records that the name
19 “Shenzhenshijinruixingkejijouxiangongsi” is tied to the corporate entity named in Elvie’s
20 Counterclaims.

21 WHEREAS upon receipt of Elvie’s Counterclaims, counsel for Counterclaim Defendants
22

1 informed Elvie that the named entity is not the subsidiary of Shenzhen Root.

2 WHEREAS counsel for Counterclaim Defendants represented to Elvie that Jinruixing is
3 not, in fact, an actual corporation and that the entity described in Pan Silin's declaration was
4 actually Shenzhen Jinruihang Technology Co., Ltd.

5 WHEREAS, the Parties have agreed that Elvie may dismiss Shenzhen Jinruixing
6 Technology Co., Ltd. from the case without prejudice. Elvie reserves the right to rename Shenzhen
7 Jinruixing Technology Co., Ltd. if it determines that Shenzhen Jinruixing Technology Co., Ltd. is
8 in fact Counterclaim Defendants' affiliate.¹

9 NOW THEREFORE, the parties hereby stipulate and agree, subject to the approval of the
10 Court, as follows:

11 1. All claims asserted by Elvie against Shenzhen Jinruixing Technology Co.,
12 Ltd. are dismissed without prejudice.

13 2. Each party shall bear its own costs, expenses, and attorneys' fees incurred
14 in connection with the claims dismissed by this Order.

15 3. Nothing in this stipulation has any effect on any other claims in this
16 litigation, including, without limitation, Elvie's claims with respect to the remaining
17 Defendants named in its Counterclaims.

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19 So stipulated and agreed this 22nd day of February 2024.
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21 _____
22 ¹ Elvie notes that it intends to file Amended Counterclaims and does not intend to name
23 Shenzhen Jinruixing Technology Co., Ltd. as a defendant.

Respectfully submitted,

/s/ Mark P. Walters

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Technology Co., Limited and Shenzhen
Conglin e-Commerce Co., Ltd.*

/s/ Nirav N. Desai

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8 SHENZHEN ROOT TECHNOLOGY CO., LTD.,
9 HONG KONG LUTE TECHNOLOGY CO.,
10 LIMITED, AND SHENZHEN CONGLIN E-
11 COMMERCE CO., LTD.,

12 Plaintiffs,

13 v.

14 CHIARO TECHNOLOGY LTD.,

15 Defendant.

Case No. 2:23-cv-631

16 **[PROPOSED] ORDER GRANTING**
17 **PARTIES' JOINT STIPULATION OF**
18 **DISMISSAL**

19 The Court, having reviewed and considered Counterclaim Defendants Shenzhen Root
20 Technology Co., Ltd., Hong Kong Lute Technology Co., Limited, Shenzhen Conglin e-Commerce
21 Co., Ltd., Shenzhen Lutejiacheng Network Technology Co., Ltd. and Shenzhen Jinruihang
22 Technology Co., Ltd. and Counterclaim Plaintiff Chiaro Technology Ltd.'s Joint Stipulation of
23 Dismissal, it is hereby **SO ORDERED**. Shenzhen Jinruixing Technology Co., Ltd. is hereby
24 **DISMISSED** without prejudice and without an award of costs or fees to any party. The Clerk is
25 directed to send copies of this Order to all counsel of record.

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DATED this ____ day of _____, 2024

The Honorable Kymberly K. Evanson
United States District Court Judge